



**2013
BOROUGH OF DUMONT
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
BROPHY				
CARRICK				
HAYES				
RIQUELME				
STYLIANOU				
ZAMECHANSKY				
MAYOR KELLY				
TOTALS				

Ordinance No. 1462

Date: August 20, 2013

Page: 1 of 2

Subject: Chapter 21, Section 5

Purpose: Amendment

Dollar Amount: _____

Offered by: _____
Seconded by: _____

Prepared By: Gregg Paster, Esq.

Certified as a true copy of an Ordinance Adopted on 2nd Reading by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

(Amending Chapter 21 TRAFFIC AND PARKING of the Dumont Code)

An Ordinance of the Borough of Dumont, County of Bergen, State of New Jersey

WHEREAS, it has been reported to the Mayor and Council that Chapter 21, Section 5 as currently constituted should be amended, due to a hazard created by student and other parking around the Dumont High School vicinity during regular school hours; and

WHEREAS, it is the express purpose of this ordinance to regulate parking and generally to promote, preserve, and protect the peace, good order, comfort, convenience, safety, and welfare of the citizens and inhabitants of the Borough.

THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Council of the Borough of Dumont, in the County of Bergen and State of New Jersey, that Chapter 21, Section 5A TRAFFIC AND PARKING of the Borough of Dumont Code shall be amended as hereinafter provided:

No parking 7AM-4PM school days on the east side of Veterans Plaza from Roosevelt to Dixon, the north side of Dixon and on the south side of New Milford from the railroad tracks to Johnson Avenue. All pre-existing parking regulations not specifically addressed by this section shall remain in full force and effect.

Invalidity. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

Severability. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.

BOROUGH OF DUMONT

James J. Kelly, Mayor

ATTEST:

Susan Connelly, RMC
Municipal Clerk

Introduced: July 16, 2013
Adopted: August 20, 2013



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Ordinance No. 1455 (Revised)

Date: August 20, 2013

Page: 1 of 3

Subject: Shade Tree Permits

Purpose: Amend Chapter 344

Dollar Amount: _____

Prepared By: Gregg Paster, Esq.

Offered by: _____
Seconded by: _____

Certified as a true copy of an Ordinance Introduced and Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

AMENDING CHAPTER 344 SHADE TREES OF THE BOROUGH OF DUMONT CODE

WHEREAS, it is the express purpose of this ordinance to regulate the nature and extent of the removal of trees that may be Borough Trees as otherwise provided under this Chapter, and to ensure that trees removed by private citizens are not Borough Trees as defined herein; and

WHEREAS, it has been requested by the Dumont Shade Tree Commission that Chapter 344 of the Borough of Dumont Code be amended to require that a permit be obtained prior to the removal of any tree within the Borough to ensure that such tree is not a Borough Tree, removed inadvertently or through the inattention or negligence of third parties.

BE IT HEREBY ORDAINED by the Mayor and Council of the Borough of Dumont, in the County of Bergen and State of New Jersey, that Chapter 344 SHADE TREES, Article VII, Section 24 of the Borough of Dumont Code shall be amended as hereinafter provided:

Article VII. Tree Permits; Permit Revocation

Section 24. Tree Permit

A. The tree permit process shall be administered through the Department of Buildings, and shall include review and approval by the DSTC or a duly appointed subcommittee thereof prior to issuance of such permit. Prior to issuance of a tree removal permit, the administering authority shall collect the applicable fee of \$25.00 and review the Borough tax maps for certification that the tree intended for removal is not a Borough Tree. Said tree shall be marked, in advance of the application submission, with a ribbon or tape around the base of the tree at 4.5 feet from the root base of the tree, so as to readily identify the tree as intended for removal. The review process shall be conducted within 5 business days, Saturdays, Sundays and State recognized holidays excluded, from the date of submission, the date of submission not included. Following the review a permit can be issued if the designated tree is determined to be on private property and not a Borough tree as defined in the Dumont Shade Tree Ordinance #1358. In the event a permit or denial is not issued by the close of Borough business on the fifth business day following submission, then the applicant may proceed with the removal as if a permit had been duly issued.

B. A tree permit is required in the event that a property owner, or its contractor, employee, servant or agent, intends to conduct any of the following types of work ~~in the ROW~~ at any private location within the Borough: to remove a tree of equal to or greater than six inches (6") in caliper or equal or greater than ten feet (10') in height at any location within the Borough.

The balance of the section shall remain undisturbed.

Invalidity. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

Severability. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Effective Date. This Ordinance shall take effect upon final passage and publication pursuant to law.

BOROUGH OF DUMONT

James J. Kelly, Mayor

ATTEST:

Susan Connelly, RMC
Municipal Clerk

Introduced: July 16, 2013

Adopted: _____, 2013



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MAYOR KELLY				
TOTALS				

Ordinance No. 1463

Date: August 20, 2013

Page: 1 of 4

Subject: Lightning Detection

Purpose: Amend Chapter 283, Article III

Dollar Amount: _____

Prepared By: Gregg Paster, Esq.

Offered by: _____
Seconded by: _____

Certified as a true copy of an Ordinance Introduced and Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

**Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey**

AMEND CHAPTER 283 – ARTICLE III – LIGHTNING DETECTION

WHEREAS, this Article has been established to regulate the use of outdoor athletic facilities located in the Borough of Dumont, County of Bergen and State of New Jersey, so as to protect the public health and welfare, and to prescribe penalties for failure to comply; and

WHEREAS, the Mayor and Council have found that a uniform policy for vacating public outdoor athletic facilities when lightning is present or imminent is necessary to protect athletes, coaches, officials and spectators from the dangers of cloud to ground lightning strikes.

NOW THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Dumont in the County of Bergen and State of New Jersey, as follows:

Section 283 be and hereby is amended and revised to add the following sub-paragraphs to paragraph 18:

SECTION I

§283-18. Regulations; Parks or Recreational Facilities; Lightning Risk Warnings.

- A. The Borough may act to temporarily close or limit the use of parks, recreational facilities, including (but not limited to) the Dumont Swim Club, municipal and Board of Education fields and lots, whenever, in the judgment of any of the appropriate enforcing authorities, as defined in Chapter 283 of the Code of the Borough of Dumont, such action is deemed necessary or desirable for the protection of public health or safety.
- B. As used in this section, the term “ lightning risk warning” shall mean notice to the Borough of a lightning risk, the activation of the lightning warning system siren or strobe or the happening of any event deemed by any of the appropriate enforcing authorities to be a risk to health and safety due to lightning.
- C. If a lightning risk warning occurs, all parks and recreational facilities will be closed including (but not limited to) the Dumont Swim Club, municipal and Board of Education fields, lots and other areas.
- D. If a park or recreational facility is closed, as provided in this Chapter:
 - 1) All activities within such park or recreational facility shall immediately cease until the lightning warning system provides the all-clear sound or any of the appropriate enforcing authorities authorizes the facility(ies) to re-open; and
 - 2) All persons within the park or recreational facility when the lightning risk warning occurs shall immediately exit the park or recreational facility and not return until the lightning warning system provides the all-clear sound or any of the appropriate enforcing authorities authorizes the facility(ies) to re-open. “All persons” shall include all employees of the Borough of Dumont, volunteers, coaches, team members and their families and umpires/referees as well as all members of the public.
- E. Organized activities.
The person or persons seeking issuance of such a permit shall be responsible to ensure all coaches, umpires, referees, and or coordinators shall sign the Borough of Dumont Lightning Safety Policy.

The umpire, coach, coordinator or adult in charge is responsible to ensure that their group follows the Lightning Safety Policy. Disregarding the policy subjects the umpire, coach, coordinator and adult in charge to a suspension, up to and including a lifetime suspension, from all Dumont Recreation activities, and privileges including using the fields and parks for organized activity.

F. Unorganized activities.

Members of the Public informally using the parks, fields, lots or other facilities are also subject to the terms of this Chapter.

G. Nothing in this Chapter is intended to negate the authority of the appropriate enforcing authorities, as defined herein and in Chapter 283 of the Code of the Borough of Dumont, to take such action as deemed necessary or desirable for the protection of the public's health or safety.

§283-19. Violations and penalties.

- A. If the Code of the Borough of Dumont provides for the licensing or permitting of any person or entity who/which violates the terms of this Chapter, the Mayor and Council of the Borough of Dumont reserve the right to revoke such permit or license.
- B. Any person or entity found guilty of violating this Chapter of the Code of the Borough of Dumont shall be subject to a penalty consisting of a fine not to exceed \$500.

§283-20. Enforcing authorities.

Members of the Police Department of the Borough of Dumont, members of the Dumont Fire Department, designated agents of the Parks and Recreation Department and the Mayor and Council shall be the "enforcing authorities" authorized to enforce the terms of this Chapter.

SECTION II

All other Ordinances of the Borough, or parts thereof, which are in conflict with this Ordinance, are hereby repealed to the extent of such conflict.

SECTION III

If any section, subsection, paragraph, subdivision, or sentence of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, such decision shall apply only to

the section, subsection, paragraph, subdivision, sentence, clause, phrase or provision so adjudged, and the remainder of this Ordinance shall be deemed valid and effective.

SECTION IV

This Ordinance shall take effect immediately upon final passage and publication according to law.

BOROUGH OF DUMONT

James J. Kelly, Mayor

ATTEST:

Susan Connelly, RMC
Municipal Clerk

Introduced: August 20, 2013
Adopted:



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Ordinance No.	1464
Date:	August 20, 2013
Page:	1 of 2
Subject:	Capital Ordinance
Purpose:	Approval
Dollar Amount:	\$112, 561.00

Offered by: _____
Seconded by: _____

Prepared By: Gary Vinci, Borough Auditor

Certified as a true copy of an Ordinance Introduced and Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

A CAPITAL ORDINANCE APPROPRIATING THE SUM OF \$112,561 FOR VARIOUS PARK IMPROVEMENTS IN AND BY THE BOROUGH OF DUMONT AND TO APPROPRIATE \$112,561 FROM A BERGEN COUNTY OPEN SPACE GRANT

BE IT ORDAINED, by the Governing Body of the Borough of Dumont in the County of Bergen, New Jersey (not less than two-thirds of all members thereof affirmatively concurring) as follows:

SECTION 1. The improvement described in Section 2 of this Ordinance is hereby respectively authorized as a general improvement to be made by the Borough of Dumont, New Jersey, for the said improvements or purposes stated in Section 2, there are hereby appropriated the sum of money therein stated as the appropriation made for said improvement or purpose, said sum being inclusive of all appropriations here

fore made thereof and amounting in the aggregate to \$112,561 which is now available from a Bergen County Open Space Grant.

SECTION 2. The Borough of Dumont, in the County of Bergen, State of New Jersey, is hereby authorized to provide for the improvement of various parks located within the Borough.

SECTION 3. It is hereby determined and stated:

- (a) That said purpose is not a current expense. That the same is an improvement which the municipality may lawfully make and that no part of the cost of said improvement has been or shall be specifically be assessed on properties specifically benefited.
- (b) It is not necessary to finance said appropriation by the issuance of obligations by the Borough of Dumont pursuant to the Local Bond Law of the State of New Jersey, for the reason that monies sufficient to cover the appropriation thereof shall be available from the a Bergen County Open Space Grant in the amount of \$112,561.

SECTION 4. The Capital Budget of the Borough of Dumont is hereby amended or established to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing all detail of the amended or temporary Capital Budget and capital program as approved by the Director of the Division of Local Government Services, is on file with the Clerk and is available for public inspection.

SECTION 5. The sum of \$112,561 is hereby appropriated for the aforementioned purpose.

SECTION 6. It is hereby determined and stated that no supplemental debt statement is required to be made and signed in connection with said appropriation, since the gross debt of the municipality, as defined under the Local Bond Law, is not increased by this Ordinance and no obligations in the matter of notes or bonds are authorized by this Ordinance.

SECTION 7. This Ordinance shall take effect after publication thereof and final passage as required by law.

ATTEST:

APPROVED: _____, 2013

Susan Connelly, RMC
Municipal Clerk

James J. Kelly, Mayor

INTRODUCED: August 20, 2013

ADOPTED: _____